

Appl No. 09/864,632
Amdt dated: August 18, 2005
Reply to Office action of: May 18, 2005

REMARKS/ARGUMENTS

Summary Of Interview

The undersigned would like to thank the Examiner for the telephone interview which took place on August 16, 2005 ("Interview"). The discussion which took place at the Interview is summarized below.

First, the rejection of independent claims 1, 16, and 35 under 35 U.S.C. 102(e) based on Shannon (US Patent Publication No. 2001/0045449) was discussed. Specifically, the Examiner and the undersigned discussed proposed amendments to these claims. The undersigned explained to the Examiner how the proposed amendments would distinguish claims 1, 16, and 35 over Shannon. In particular, the undersigned explained that the apparatus of claims 1 and 35 and the method of claim 16 are directed to a lock which can be opened only by one key at a time. Further, the amendments clarify that after the storage locker is opened with the delivery access key, the delivery access key is disabled such that it no longer opens the lock. The lock can then only be opened by an item access key, which itself is disabled after the item access key is used to open the locker.

The undersigned made the point that Shannon discloses a system where the access code of the intended recipient (analogous to the item access key of the present invention) is always able to open the lock. The delivery access key is either the same as the recipient key or a temporary key (see column 4, bottom half of paragraph 34). In any event, the item access key of Shannon is never disabled. The undersigned made the point that Shannon does not teach all of the limitations of claims 1, 16, and 35 (of the proposed amendment). These claims clearly recite that when the delivery access key is capable of opening the lock, no other key can do so, and after the item access key is used to open the lock, it is disabled.

The Examiner indicated to the undersigned that she agreed that the proposed claimed amended to claims 1, 16, and 35 are probably not anticipated by Shannon.

The Examiner and the undersigned also discussed the rejection of claims 16 and 34 under 35 U.S.C. 103(a) in view of Ogilvie (US Patent No. 6,344,796). The

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Examiner and the undersigned began the discussion by confirming their agreement that Ogilvie did not disclose the limitation of the consumer selecting the depot for package delivery (which is recited in claims 16 and 34). The undersigned then explained that the proposed amendments were made in an attempt to more clearly and affirmatively recite this limitation so that it is clear that it is an essential step in the method of claims 16 and 34. The intention of these amendments was to address the Examiner's position that this limitation was considered to be non-functional descriptive data. The Examiner agreed with the undersigned that the proposed amendments to claims 16 and 34 address the Examiner's rejection and recite this limitation in a functional way. The Examiner indicated that the proposed amendments to claims 16 and 34 probably overcome this rejection.

Arguments

Claims 1-14, 16-36, and 38-40 remain in the application. Claims 1, 16, 34, and 35 have been amended in this Response. The amendments to the above claims are substantially similar to the proposed amendments provided to the examiner at the Interview, and discussed above.

The Examiner rejected claims 1-3, 5-14, 16, 17, 19, 33, 35, and 36 under 35 U.S.C. 102(e) as anticipated by Shannon. The Applicant respectfully requests reconsideration of this rejection for the reasons set out below.

As discussed at the Interview and summarized above, the Applicant respectfully submits that claims 1, 16, and 35, as amended, recite limitations which are not taught by Shannon. In particular, Shannon teaches an item access key which at all times is capable of opening the lock. The item access key is never disabled. In addition, Shannon teaches that: (i) the delivery agent either uses the same key as the recipient (i.e. also uses the item access key); or (ii) uses a temporary delivery access key. In the first embodiment taught by Shannon, there is no delivery access key which is disabled and changed to an item access key, as recited by claims 1, 16, and 35 of the present application. In the second embodiment taught by Shannon, there are two keys which are capable of opening the lock at the same time. Claims 1, 16, and 35 explicitly recite the limitation that only one key can open the lock at any one time.

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For the above reasons, Shannon does not disclose all of the limitations recited in claims 1, 16, and 35, as required by 35 USC 102(e).

The Examiner rejected claims 16, 17, and 19-34 under 35 U.S.C. 103(a) as unpatentable over Ogilvie. The Applicant respectfully requests reconsideration of this rejection for the reasons set out below.

The Examiner has acknowledged that Ogilvie fails to disclose that the depot is selected by the consumer. The Examiner has not cited any other prior art which discloses this limitation. However, the Examiner rejected independent claim 16 and 34, which include this limitation, on the grounds that this limitation was non-functional descriptive data and is not functionally involved in the steps recited.

The Applicant has amended claim 16 and 34 as discussed at the Interview and summarized above. In particular, the Applicant has amended claims 16 and 34 to explicitly recite the step of receiving from the consumer a selection of a depot for delivery of a parcel. The Applicant respectfully submits that this limitation is now stated positively and in a functional manner such that it does serve to distinguish the invention claimed in claims 16 and 34 from the prior art. Further, the Applicant respectfully submits that this feature is an important part of the solution provided by the invention. Page 2, lines 12-15 of the present application clearly discuss the need for a centralized depot where a delivery agent leaves packages for recipients. Providing the capability of permitting a consumer to select the depot is an important part of the solution provided by the present invention.

For the above reasons, the Applicant respectfully submits that Ogilvie, either alone or in combination, does not disclose all of the limitations of the invention recited in claims 16 and 34.

Because the remaining claims in this application depend from allowable base claims, the Applicant respectfully submits that these claims are also allowable.


The Applicant respectfully submits that no new matter has been introduced by the above amendment.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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